

**ATTACHMENT 2**

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DATE: May 6, 2004

TO: San Diego City Clerk  
City Administration Building  
202 West C Street, 2nd Floor  
San Diego, CA 92101

FROM: Robin Munro

RE: Appeal of Historic Resources Board Decision to Designate 1151-1159 10<sup>th</sup> on  
April 22, 2004

OUR FILE NO: 5063.011

CC: Barbara Hubbard, Historical Resources Board  
Diane Kane, Historical Resources Board

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Document(s) enclosed:

- Completed appeal form and attachment.

COMMENTS: Please contact Robin Munro at the address and phone number listed above.

**APPEAL FROM HISTORICAL RESOURCES BOARD DECISION  
SAN DIEGO MUNICIPAL CODE SECTION 26.0204**

**TO THE HONORABLE MAYOR AND CITY COUNCIL**

The Undersigned     Daniel Grotty, executor of the Gladys E. McLoughlin Trust  
(Print or type name of appellant)

**does hereby appeal to your Honorable Body from the decision of the Historical Resources Board in**

\_\_\_\_\_ approving \_\_\_\_\_  
(approving/denying)

**the historical site designation on the property situated at**

Site 35 of the historic resources inventory of Centre City Core -  
(Legal description of land)

1151-1159 Tenth Avenue, Harwood Tichenor Rental Property

***An appeal must specify wherein there was error in the decision of the Board.***

**This appeal is being made because the following situation(s) exist:**

The decision of the Historical Resources Board was based on

factual errors and misinformation. See attached "Grounds for  
Appeal".

**(Attach additional sheets if necessary)**

***An appeal from the decision of the Historical Resources Board must be filed with the City Clerk within 10 working days following action by the Historical Resources Board.***

Daniel Grotty  
(Print or type name)  
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San Jose, CA 95124

(408) 264-0451  
(Telephone)

(If filing as an agent, please include name and  
address of client below)

(Print or type name)

(Address)

**I certify under penalty of perjury that  
the forgoing, including all names and  
addresses, is true and correct**

(Signature of Appellant)

(Date)

**HARWOOD TICHENOR RENTAL PROPERTY  
1151-1159 TENTH AVENUE (SITE 35)**

**DANIEL CROTTY,  
EXECUTOR OF THE GLADYS E. MCLOUGHLIN TRUST  
PROPERTY OWNER/APPELLANT**

**GROUND'S FOR APPEAL**

1. The subject property is not a valuable example of Victorian architecture. The structure has been maimed by the significant modifications and additions. Any historic validity has been lost as a result of the ruthless expansions. None of the distinctive Victorian characteristics remain after the major interior and exterior changes. The building is in very poor condition and is dry rotted. For those reasons, it does not qualify as an historic structure under the Historical Resources Board ("HRB") designation "C" for its Architecture<sup>1</sup>.
2. Consistent with the above error, the HRB disregarded the fact that this property was not considered to have historical significance by any of the previous historical surveys or assessments<sup>2</sup>. In addition, the Centre City Development Corporation ("CCDC") and its historic consultants did not recommend this property for designation because of its low historic value and poor condition.
3. The subject property is so substantially altered from its original form to have lost all of the physical features constituting Victorian style. The HRB's designation violates HRB Policy No. 2.1 requiring integrity of design and authoritative federal guidelines on integrity requiring that over 50 percent of the features that illustrate a building's style remain.
4. The HRB chose to ignore substantial alterations to the building on the grounds that the modifications are reversible. This is an error of fact and law and purely speculative. Some of the material alterations to the building, such as the addition of a two-story commercial/residential building on the north facade and the enclosed porch on the west facade, have completely obliterated the original structure and are not reversible. Moreover, there is no legal basis for this position, which virtually eliminates Board Policy 2.1 on integrity and authoritative federal

<sup>1</sup> The City of San Diego Land Development Manual - Historical Resources Guidelines (2000) (p. 14).

<sup>2</sup> Brandes, Ray & University of San Diego, *Historic Resources Inventory — Uptown Area San Diego, California*, June 1981; Lia and Brandes, *Historic Site Inventory of Centre City Core*, 1989; Moomjian, Scott A., *Historic Resources Inventory Update of the Core Area for Centre City*

*Development Corporation,*  
2003.

guidelines requiring that the whole building be considered in its existing state and its significant features identified.

5. The HRB ignored the fact that in recent years, the City required the owner of the property to spend a significant amount of money replacing the front wall. This alteration further defaced any historic architecture. For that reason, it is inconsistent for the City to change its position and claim that the facade is historic because of its architecture.
6. HRB staffs initial recommendation was to designate a fragment of the building, an addition constructed in 1912 and later enclosed in the 1940s. The National Register Guidelines discourage designating parts of buildings<sup>3</sup>. The HRB voted to designate the entire structure based on misinformation that the later additions somehow contributed to its Victorian architectural value. Those substantial modifications have no historic integrity and do not exhibit any of the characteristics of Victorian architecture. The property owner had no notice of the possibility of designating the entire structure. For that reason, we were not prepared with crucial information about the relationship between the original building and the later additions. The HRB relied on misinformation about the buildings in deciding to designate the entire structure.
7. The HRB ignored the fact that this site is located in the core area of downtown San Diego. The property is designated for very intense office/commercial use with a 10.0 FAR, the highest FAR downtown. The residential use is previously conforming and completely out of line with the Centre City Community Plan and the Redevelopment Plan for downtown.
8. This is an involuntary designation. Involuntary designations can only be justified by a significant public benefit. Designating this structure on the basis of architecture causes significant economic hardship to the property owner with no substantial justification. There is no public benefit to designating such a blighted property.